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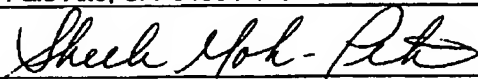
SEP 21 2005

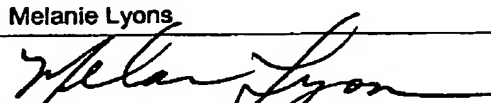
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| TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small> | Application Number | 10/694,978 |
| | Filing Date | 10/27/2003 |
| | First Named Inventor | Jacqueline C. TIMANS |
| | Art Unit | 1646 |
| | Examiner Name | P.M. Mertz |
| Total Number of Pages in This Submission | 4 | Attorney Docket Number DX0904KB1 |

| ENCLOSURES (Check all that apply) | | |
|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks: 1. Response to Restriction Requirement (3 pages) | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|--|
| Firm or Individual | Sheela Mohan-Peterson, Reg. No. 41,201 DNAX Research, Inc. 901 California Ave. Palo Alto, CA 94304-1104 |
| Signature |  |
| Date | 21-Sept-2005 |

| CERTIFICATE OF TRANSMISSION/MAILING | | | |
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| Typed or printed | Melanie Lyons | | |
| Signature |  | Date | 9-21-05 |

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Attorney Docket: DX0904KB1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Jacqueline C. TIMANS

Application No.: 10/694,978

Filed: 10/27/2003

For: MAMMALIAN CYTOKINES;
RELATED REAGENTS AND
METHODS

Examiner: P.M. Mertz

Art Unit: 1646

Conf. No.: 4528

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by:


MELANIE LYONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is a response to the Restriction Requirement dated August 23, 2005.

I. Restriction Requirement

The Examiner restricted the application into 10 separate inventions:

- I. Claims 21-27, drawn to an antibody to a protein of amino acid sequence set forth in SEQ ID NO: 2, classified in class 424, subclass 139.1.
- II. Claims 21-27, drawn to an antibody to a protein of amino acid sequence set forth in SEQ ID NO: 4, classified in class 424, subclass 139.1.
- III. Claims 28-30, drawn to a method of modulating an inflammatory response in vitro with an agonist to SEQ ID NO: 2, classified in class 435, subclass 7.1.
- IV. Claims 28-30, drawn to a method of modulating an inflammatory response in vitro with an agonist to SEQ ID NO: 4, classified in class 435, subclass 7.1.
- V. Claims 28-30, drawn to a method of modulating an inflammatory response in vitro with an antagonist to SEQ ID NO: 2, classified in class 435, subclass 7.1.

- VI. Claims 28-30, drawn to a method of modulating an inflammatory response in vitro with an antagonist to SEQ ID NO: 4, classified in class 435, subclass 7.1.
- VII. Claims 31-33, drawn to a method of modulating an inflammatory response in vivo by administering an agonist to SEQ ID NO: 2, classified in class 424, subclass 85.1.
- VIII. Claims 31-33, drawn to a method of modulating an inflammatory response in vivo by administering an agonist to SEQ ID NO: 4, classified in class 424, subclass 85.1.
- IX. Claims 31-33, drawn to a method of modulating an inflammatory response in vivo by administering an antagonist to SEQ ID NO: 2, classified in class 424, subclass 139.1.
- X. Claims 31-33, drawn to a method of modulating an inflammatory response in vivo by administering an antagonist to SEQ ID NO: 4, classified in class 424, subclass 139.1.

Applicants provisionally elect, Group I, Claims 21-27, whose claims are an antibody to a protein of amino acid sequence set forth in SEQ ID NO: 2, classified in class 424, subclass 139.1, for example, as discussed in the present Restriction Requirement.

Applicants will address the issue of inventorship for the elected claims and amend inventorship appropriately if the elected restriction is made final.


Applicants reserve the right to file subsequent applications claiming the non-elected subject matter and do not waive any of their rights or abandon any non-elected subject matter. Since Applicants have fully and completely responded to the Restriction Requirement and have made the required election, this application is now in order for early action.

If the Examiner believes that a telephone conference would aid the prosecution of this case in any way, please call the undersigned.

Applicants believe that no fees are due with the present timely response, however, the Commissioner is hereby authorized to charge any additional fees or credit overpayments to DNAX Deposit Account No. 04-1239.

Respectfully submitted,

Date: 21-sept-2005

By: 
Sheela Mohan-Peterson,
Reg. No. 41,201
Attorney for Applicants

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